

21 August 1947

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MEMORANDUM FOR MR.

Subject: Temporary Duty Travel While on Leave

1. Forwarded herewith are two copies of the unpublished Decision of the Comptroller General, A-86481, which I discussed with you on the telephone.

2. This appears to be in direct opposition to a ruling in 2 C.G. 424, which involved an Army officer. Although no distinction between the cases is drawn in the opinion, it appears that the determining factor may be the Act of March 4, 1933, which made leave a legal right of an employee, rather than a privilege. This change is discussed in 16 C.G. 481, but in connection with a set of facts different from those in the instant case. Thus, while 2 C.G. 424 is not specifically overruled, in effect, the same result is accomplished by this unpublished decision.

3. The only published decision which has come to our attention, that touches on this point, is 25 C.G. 347, which applies 16 C.G. 481, to a different set of facts but mentions the unpublished Decision A-8-481 with approval. The current rule therefore, seems clear that a person on leave, called back for temporary duty on proper authority, and returned to leave at the end thereof, may be reimbursed for traveling expenses both ways.

LAWRENCE R. HOUSTON  
General Counsel

LRH:cmj